



1-24-03

~~\$\$\$ DBC~~
#27

Serial No. 09/058,652
Art Unit No. 2187

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS
BEING DEPOSITED WITH THE U.S. POST OFFICE
AS EXPRESS MAIL ON : January 22, 2003
EXPRESS MAIL CERT.NO. EU673633376US
PERSON DEPOSITING: ANNE VACHON DOUGHERTY

Anne Vachon Dougherty 1/22/03
Signature & Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | |
|-------------------------------------|--------------------------|
| <u>In Re Application of</u> | : January 22, 2003 |
| <u>M.A. COHEN ,ET AL</u> | Group Art No.: 2151 |
| <u>Serial No. 08/880,616</u> | Examiner: G. Fourson |
| <u>Filed: June 23, 1997</u> | for IBM Corporation |
| <u>Title: SYSTEM AND METHOD FOR</u> | by Anne Vachon Dougherty |
| <u>MAXIMIZING USAGE OF COMPUTER</u> | 3173 Cedar Road |
| <u>RESOURCES IN SCHEDULING OF</u> | Yorktown Hts, NY |
| <u>APPLICATION TASKS</u> | 10598 |

PETITION TO REVIVE UNINTENTIONALLY ABANDONED
APPLICATION UNDER 37 CFR 137(b)

Petitions Branch
Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants herein petition for revival of the
above-identified patent application which was

RECEIVED
JAN 27 2003
OFFICE OF PETITIONS

01/27/2003 AWONDAF1 00000026 09058652

01 FC:1453

1300.00 OP

YO997-111

-1-

Serial No. 09/058,652
Art Unit No. 2187

unintentionally abandoned as of December 28, 2002.
Applicants aver the following:

(1) that a proposed response accompanies this Petition in the form of the Appeal Brief in triplicate;

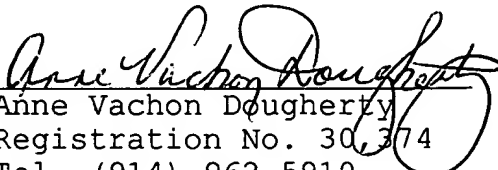
(2) that a check in the amount of the requisite petition fee of \$1300.00, under 37 CFR 1.17(m)(1) is enclosed; and

(3) that the delay, from the time at which the case became abandoned through to the present date, was unintentional. Applicants has filed the Appeal Brief on September 30, 2002; however, the Appeal Brief was not accepted since, inadvertently, only one copy was filed. Applicants only became aware of the abandonment when the attached **Communication Re: Appeal** was received on January 21, 2003.

Questions with regard to this petition should be addressed to the undersigned attorney at (914) 962-5910.

Respectfully submitted,
M. A. Cohen, et al

By:


Anne Vachon Dougherty
Registration No. 30,374
Tel. (914) 962-5910



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 08/880,616 | 06/23/1997 | MITCHELL ADAM COHEN | YO997-111 | 2216 |

7590 01/14/2003
Anne Vachon Dougherty
3173 Cedar Road
Yorktown Heights, NY 10598

| |
|----------|
| EXAMINER |
|----------|

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

DATE MAILED: 01/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

JAN 22 2003

Communication Re: Appeal

Application No.
08/880,616

Applicant(s)

Cohen et al

Examiner

S. Lao

Art Unit

2126

— The MAILING DATE of this communication appears on the over sheet with the correspondence address —

1. ☐ The Notice of Appeal filed on _____ is not acceptable because:
- (a) ☐ it was not timely filed.
 - (b) ☐ the statutory fee for filing the appeal was not submitted. See 37 CFR 1.17(b).
 - (c) ☐ the appeal fee received on _____ was not timely filed.
 - (d) ☐ the submitted fee of \$ _____ is insufficient. The appeal fee required by 37 CFR 1.17(b) is \$ _____.
 - (e) ☐ the appeal is not in compliance with 37 CFR 1.191 in that there is no record of a second or a final rejection in this application.
 - (f) ☐ a Notice of Allowability, PTO-37, was mailed by the Office on _____.

2. ☒ The appeal brief filed on Oct 2, 2002 is NOT acceptable for the reason(s) indicated below:

- (a) ☒ *Only one copy of brief filed*
~~the brief and/or brief fee is untimely.~~ See 37 CFR 1.192.
- (b) ☐ the statutory fee for filing the brief has not been submitted. See 37 CFR 1.17(c).
- (c) ☐ the submitted brief fee of \$ _____ is insufficient. The brief fee required by 37 CFR 1.17(c) is \$ _____.

The appeal in this application will be dismissed unless corrective action is taken to timely submit the brief and requisite fee. Extensions of time may be obtained under 37 CFR 1.136(a).

3. ☐ The appeal in this application is DISMISSED because:
- (a) ☐ the statutory fee for filing the brief as required under 37 CFR 1.17(c) was not timely submitted and the period for obtaining an extension of time to file the brief under 37 CFR 1.136 has expired.
 - (b) ☐ the brief was not timely filed and the period for obtaining an extension of time to file the brief under 37 CFR 1.136 has expired.
 - (c) ☐ Request for Continued Examination (RCE) under 37 CFR 1.114 was filed on _____.
 - (d) ☐ other: _____

4. ☐ Because of the dismissal of the appeal, this application:

- (a) ☐ is abandoned because there are no allowed claims.
- (b) ☐ is before the examiner for final disposition because it contains allowed claims. Prosecution on the merits remains CLOSED.
- (c) ☐ is before the examiner for consideration of the submission and prosecution has been reopened pursuant to 37 CFR 1.114.

RECEIVED

JAN 27 2003

OFFICE OF PETITIONS

S. Lao

BEST AVAILABLE COPY